09-01-06

ZFW

AF

This paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" under 37 CFR § 1.10, Mailing Label No. ED 329501222 US

OIPE IAP95 AUG 30 2006 PATENT & TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Applicant	:	Bilibin, Paul et al.
Application No.	:	09/684,861
Filed	:	October 6, 2000
Title	:	Apparatus, Systems and Methods for Determining Delivery Time Schedules for Each of Multiple Carriers
Technology Center	:	3600
Grp./Div.	:	3623
Examiner	:	Van Doren, Beth
Docket No.	:	PSTM0024/MRK

TRANSMITTAL LETTER
FOR RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

140 S. Lake Ave., Suite 312
Pasadena, CA 91101-4710
August 30, 2006

Commissioner:

Enclosed are the following:

1. Response to Notification of Non-Compliant Appeal Brief;
2. Replacement "Summary of Claimed Subject Matter" Section (7 sheets); and
3. Return post card.

The requisite fee set forth in 37 C.F.R. §41.20(b)(1) for filing a Notice of Appeal was presented with the filing of the Notice of Appeal and a Pre-Appeal Brief Request for Review, both of which are recorded on the U.S. Patent and Trademark Office PAIR System as having been received on March 20, 2006.

The requisite fee set forth in 37 C.F.R. §41.20(b)(2) for filing an Appeal Brief was presented with the filing of the original Appeal Brief, which is the subject of the pending Notification of Non-Compliant Appeal Brief.

It is respectfully submitted that the enclosed Response to Notification of Non-Compliant Appeal Brief and concurrently filed Replacement "Summary of Claimed Subject Matter" Section, are timely filed because they are filed prior to the expiration of

September 5, 2006, which is the first business day following Monday, September 4, 2006 (the 2006 Labor Day holiday) which follows September 3, 2006, a Sunday, the one-month due date for responding to the Notification as set by the Examiner.

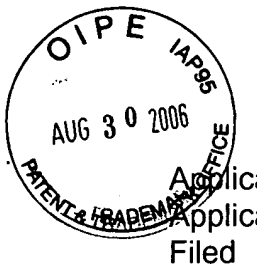
Even so, the Commissioner is hereby authorized, pursuant to 37 CFR 1.136(a)(3), to treat any concurrent or future reply or correspondence for the above-identified application, requiring a petition for an extension of time for its timely submission, as incorporating a constructive petition for extension of time for the appropriate length of time. The Commissioner is hereby authorized to charge any fees under 37 CFR 1.16 and 1.17, including any required extension fees, which may be required during the **pendency** of this application, to Deposit Account No. 501574. Please show our docket number with any charge or credit to our Deposit Account.

Respectfully submitted,
KHORSANDI PATENT LAW GROUP, ALC

By _____
Marilyn R. Khorsandi
Reg. No. 45,744
Customer No. 29524
626/796-2856

MRK/aa
Enclosures

This paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" under 37 CFR § 1.10, Mailing Label No. ED 329501222 US



PATENT

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Applicant	:	Bilibin, Paul et al.
Application No.	:	09/684,861
Filed	:	October 6, 2000
Title	:	Apparatus, Systems and Methods for Determining Delivery Time Schedules for Each of Multiple Carriers
Technology Center	:	3600
Grp./Div.	:	3623
Examiner	:	Van Doren, Beth
Docket No.	:	PSTM0024/MRK

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

140 S. Lake Ave., Suite 312
Pasadena, CA 91101-4710
August 30, 2006

RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF

This is a Response to a Notification of Non-Compliant Appeal Brief (the "Notification"), dated August 3, 2006, regarding the above-identified application.

In the Notification, the "Summary of Claimed Subject Matter" section in the Appeal Brief was cited as not containing a specific discussion of the independent claims of the subject application.

In this Response to the Notification, and in compliance with MPEP Section 1205.03, a replacement "Summary of Claimed Subject Matter" section for the Appeal Brief is provided herewith; a new Appeal Brief is not filed.

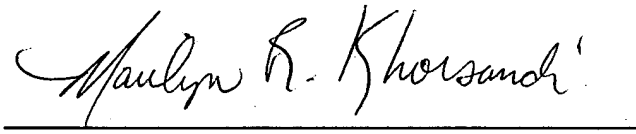
It is respectfully submitted that this Response is timely filed, because it is filed prior to the expiration of September 5, 2006, which is the first business day following Monday, September 4, 2006 (the 2006 Labor Day holiday) which follows September 3, 2006, a Sunday, the one-month due date for responding to the Notification as set by the Examiner.

The Replacement "Summary of Claimed Subject Matter" section filed concurrently herewith will replace the "Summary of Claimed Subject Matter" section in the Appeal Brief for the above-identified application. It is respectfully submitted that the

Replacement "Summary of Claimed Subject Matter" section filed concurrently herewith provides a concise explanation of the subject matter defined in each of the independent Claims on appeal with supporting page and line number references to the specification. It is respectfully asserted, therefore, that the Replacement "Summary of Claimed Subject Matter" section filed concurrently herewith, and therefore the Appeal Brief, comply with the requirements of 37 C.F.R. §41.37.

Respectfully submitted,

KHORSANDI PATENT LAW GROUP, ALC

By 

Marilyn R. Khorsandi
Reg. No. 45,744
626/796-2856

OIPE IAP95
AUG 30 2006
PATENT & TRADEMARK OFFICE

This paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" under 37 CFR § 1.10, Mailing Label No. ED 329501222 US

PATENT

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Applicant	:	Bilibin, Paul et al.
Application No.	:	09/684,861
Filed	:	October 6, 2000
Title	:	Apparatus, Systems and Methods for Determining Delivery Time Schedules for Each of Multiple Carriers
Technology Center	:	3600
Grp./Div.	:	3623
Examiner	:	Van Doren, Beth
Docket No.	:	PSTM0024/MRK

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

140 S. Lake Ave., Suite 312
Pasadena, CA 91101-4710
August 30, 2006

SUMMARY OF CLAIMED SUBJECT MATTER (37 C.F.R. §41.37(c)(1)(v) heading)

(Replacement "Summary of Claimed Subject Matter" Section Filed in Response to Notification of Non-Compliant Appeal Brief)

There are four independent claims on appeal, namely, Claims 1, 4, 7, and 10.

Support for Independent Claims 1, 4 and 7

Independent Claims 1, 4 and 7 are directed to a computer system, a method and a computer program product, respectively, for determining, in response to each respective request by each respective particular user of a plurality of users to ship a particular respective parcel, wherein each respective request comprises a first address and a second address, a respective potential cross-comparison delivery schedule.

Support for the above-recited limitations of Claims 1, 4 and 7 is disclosed in the *Specification* of the present application which describes various embodiments of the present invention providing apparatus, systems and methods for determining from a set of delivery times for each of a plurality of services for each of a plurality of carriers a potential delivery schedule for each of the plurality of services for each of the plurality of carriers in response to a request by each of a plurality of users, according to an input by

each particular user of a shipping date, a set of parcel specifications for shipping a particular parcel, a set of shipping requirements for shipping the particular parcel, a particular origin postal code and a particular destination postal code. *See, e.g.,* *Specification*, p. 2, line 29 - p. 3, line 8. *See also, e.g.,* *Specification*, p. 45, line 7 - p. 48, line 27; FIG. 36a.

The determined respective cross-comparison delivery schedule claimed by independent Claims 1, 4 and 7, comprises a plurality of respective service-specific, carrier-specific delivery schedules to ship the particular respective parcel from the first address to the second address. *See, e.g.,* *Specification*, p. 2, line 29 - p. 3, line 8. *See also, e.g.,* *Specification*, p. 45, line 7 - p. 48, line 27; FIG. 36a.

Each respective service-specific, carrier-specific delivery schedule in the determined respective cross-comparison delivery schedule claimed by independent Claims 1, 4 and 7, corresponds to a respective particular delivery service of a plurality of delivery services offered by a respective particular carrier of a plurality of carriers. *See, e.g.,* *Specification*, p. 2, line 29 - p. 3, line 8. *See also, e.g.,* *Specification*, p. 45, line 7 - p. 48, line 27; FIG. 36a.

The respective potential cross-comparison delivery schedule claimed by independent Claims 1, 4 and 7, comprises a respective delivery date and a respective delivery time for each respective particular delivery service of the plurality of delivery services offered by each respective particular carrier of the plurality of carriers that would deliver the particular respective parcel. *See, e.g.,* *Specification*, p. 2, line 29 - p. 3, line 8. *See also, e.g.,* *Specification*, p. 45, line 7 - p. 48, line 27; FIG. 36a.

As claimed in independent Claims 1, 4 and 7, user access is provided over a global communications network using a client computer device, and each user client computer device has an individual electronic connection to the global communications network. Support for the above-recited limitations of Claims 1, 4 and 7 is disclosed in the *Specification* of the present application which describes, for example, that in various embodiments of the present invention, each user accesses the various embodiments of the present invention over a global communications network using a client computer device, and each user client computer device has an individual electronic connection to

the global communications network. *See, e.g.,* Specification, p. 3, lines 5 - 8.

Support for Independent Claim 10

Independent Claim 10 recites "... determining a first set of delivery schedules ...[for a] first carrier ...."

Support for the above-recited limitations of Claims 1, 4 and 7 is disclosed in the Specification of the present application which describes various embodiments of the present invention providing apparatus, systems and methods for determining from a set of delivery times for each of a plurality of services for each of a plurality of carriers a potential delivery schedule for each of the plurality of services for each of the plurality of carriers in response to a request by each of a plurality of users, according to an input by each particular user of a shipping date, a set of parcel specifications for shipping a particular parcel, a set of shipping requirements for shipping the particular parcel, a particular origin postal code and a particular destination postal code. *See, e.g.,* Specification, p. 2, line 29 - p. 3, line 8. *See also, e.g.,* Specification, p. 45, line 7 - p. 48, line 27; FIG. 36a.

Independent Claim 10 recites "... each one of said first set of delivery schedules corresponding to at least one of said first set of shipment types and comprising a delivery date and a delivery time ...." *See, e.g.,* Specification, p. 2, line 29 - p. 3, line 8. *See also, e.g.,* Specification, p. 45, line 7 - p. 48, line 27; FIG. 36a.

Independent Claim 10 recites "... determining a second set of delivery schedules ... [for a] second carrier ... each one of said second set of delivery schedules corresponding to at least one of said second set of shipment types and comprising a delivery date and a delivery time ...." *See, e.g.,* Specification, p. 2, line 29 - p. 3, line 8. *See also, e.g.,* Specification, p. 45, line 7 - p. 48, line 27; FIG. 36a.

Independent Claim 10 recites "... displaying to the user said first set of delivery schedules ... and ... simultaneously displaying to the user said second set of delivery schedules...". *See, e.g.,* Specification, p. 2, line 29 - p. 3, line 8. *See also, e.g.,* Specification, p. 45, line 7 - p. 48, line 27; FIG. 36a.

Exemplary Embodiment

Regarding a cross-comparison delivery schedule as recited in independent Claims 1, 4, and 7, and regarding simultaneously displaying to a user, sets of delivery schedules as recited in independent Claim 10, the *Specification* of the present application describes an exemplary embodiment depicted in FIG. 36a. *See Specification*, p. 6, lines 26-29. The *Specification* of the present application explains that FIG. 36a is a graphic representation depicting an exemplary embodiment of a dynamically dimensioned, multi-carrier, multi-service shipping rates comparison Graphic Array in an exemplary embodiment of the present invention. *See Specification*, p. 6, lines 26-29. The exemplary embodiment of an exemplary multi-carrier, multi-service cross-comparison delivery schedule depicted in FIG. 36a is described in more detail below.

As depicted in FIG. 36a, the exemplary Graphic Array contains the following information and display elements: 1) valid delivery dates 1063 (1063-1 through 1063-3) across the top of the graphic display for the selected Ship Date; 2) sorted, valid delivery times 1064 (1064-1 through 1064-6) for all valid dates down the left side of the graphic display; and 3) color-coded by Carrier, Carrier cell entries, e.g., 1065, for each available rate, by date and time. *See Specification*, p. 45, lines 7-12.

In the exemplary embodiment depicted in FIG. 36a the Graphic Array comprises an array of intersecting rows and columns. Each column corresponds to a day and date of parcel delivery. *See Specification*, p. 45, lines 13-18. Each row of the Graphic Array corresponds to a time of delivery. *See Specification*, p. 45, lines 19-21.

At the intersection of each row (1064-1 through 1064-6) and column (1063-1 through 1063-7) of the Graphic Array is a "cell." Empty cells represent the circumstances that none of the Carriers supported by the System (the "supported Carriers") support delivery of the Subject Parcel for the time and date for which that cell represents the intersection. *See Specification*, p. 45, lines 22-29.

Some cells depicted in FIG. 36a have one or more cell entries. In FIG. 36a, each cell entry represents a particular Carrier. Each Carrier cell entry is color-coded with a unique color, the unique color corresponding to a particular Carrier; each Carrier cell

entry contains a graphic element, e.g., 1147a, and a monetary amount, e.g., 1147b, which represents the price for which the corresponding Carrier would deliver the subject parcel. *See* Specification, p. 46, lines 1-7.

In the embodiment of the Graphic Array depicted in FIG. 36a, the Graphic Array is dynamically dimensioned. For instance, only the dates and days (1063-1 through 1063-3) for which delivery that conforms to the particular Shipper's Parcel Specifications for the particular Subject Parcel are displayed across the top of the graphic. For example, for the date Tuesday, September 28, 1999 (1063-1), at the time 5:00 p.m. (1064-6), no Carrier supports delivery of the Subject Parcel. *See* Specification, p. 48, lines 11-16.

Further, as depicted in FIG. 36a, only the times (1064-1 through 1064-6) during which at least one of the Carrier/Services identified as supporting the delivery are displayed along the viewer's left side of the Dynamically Dimensioned Multi-Carrier Graphic Array online display. *See* Specification, p. 48, lines 17-20.

Still further, as depicted in FIG. 36a, a Carrier cell entry, e.g., 1065, is displayed for each of, and only for each of, the Carriers/Services that support delivery for a particular day and time in the cell of the Graphic Array that represents delivery on a particular day and at a particular time. *See* Specification, p. 48, lines 21-27.

Background Reasons

Background reasons for providing such a cross-comparison delivery schedule and details about the respective potential cross-comparison delivery schedule claimed in independent Claims 1, 4 and 7 are described in the *Specification* of the present application as outlined below. Background Reasons for simultaneously displaying to a user, sets of delivery schedules as claimed in independent Claim 10 are described in the *Specification* of the present application as outlined below.

Individuals, small businesses and major corporations ("Shipper(s)") ship billions of parcels every year. Each parcel, also sometimes referred to herein as a package, is shipped by a Shipper using at least one parcel carrier ("carrier(s)", or "Carrier(s)"). Specification, p. 1, lines 23-26.

Each parcel can be characterized by a set of "Parcel Specifications." Parcel specifications may include but are not limited to such factors as: parcel dimensions, parcel weight, parcel value, and the like. *See* Specification, p. 1, lines 27-29.

Each Shipper may be faced with certain shipping requirements and limitations ("Shipping Requirements"), such as the location from which the parcel is to be shipped, a time frame within which the particular parcel must arrive at its destination, the ability of the shipper to drop off the parcel, budgetary constraints with regard to the cost of shipping, insurance against loss, delivery notification, loss protection, and the like. *See* Specification, p. 2, lines 1-5.

Each Carrier has its own unique rating schedule, and delivery and pickup rules and schedules for each of a multitude of different services. In some cases, a particular Carrier's rules may be available in a standalone Carrier-provided paper-based or computer system. Many Shippers attempt to work with each of the standalone, individual paper-based and computer Carrier-provided systems ("standalone Carrier system environment") in order to ship a parcel. *See* Specification, p. 2, lines 6-11.

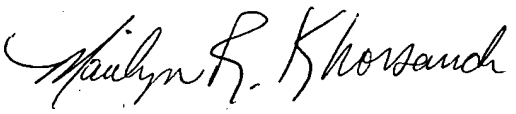
A Shipper that uses standalone Carrier systems must sort through the various services offered by each carrier and apply each Carrier's rules to determine whether one or more carriers offer a service with which to deliver a particular parcel according to the Shipper's requirements. If the Shipper determines that more than one carrier offers a service with which to deliver a particular parcel according to the Shipper's requirements, then the particular Shipper might additionally be concerned with selecting a carrier and service that provide shipping services at the optimal price. *See* Specification, p. 2, lines 12-18.

One of the problems that a Shipper encounters in dealing with standalone Carrier systems is that the Shipper must attempt to apply each Carrier's delivery schedule rules to a particular parcel in order to compare rates for various potential delivery schedules of the parcel. Each Carrier's delivery schedule rules and associated pricing rules must be separately applied by the Shipper to a particular parcel's specifications and an origin and a destination zip code in order to preview each Carrier's potential delivery schedule and rates for shipping a particular parcel. Some way was needed so that a Shipper

could compare each Carrier's various possible delivery schedules and associated charges for shipping a particular parcel. *See* Specification, p. 2, lines 19-26.

Respectfully submitted,

KHORSANDI PATENT LAW GROUP, ALC

By 

Marilyn R. Khorsandi
Reg. No. 45,744
626/796-2856